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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Confirmation No. 7809
Herman WALDMANN et al. : Docket No. 2001-0699
Serial No. 09/125,460 : Group Art Unit 1644
Filed August 19, 1998 : Examiner P. Gambel
ANTIBODY VARIANTS :

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THE COMMISSIONER IS AUTHORIZED
TO CHARGE ANY DEFICIENCY IN THE
FEES FOR THIS PAPER TO DEPOSIT
ACCOUNT NO. 23-0975

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents,
Washington, D.C. 20231

Sir:

In response to the Restriction Requirement dated April 2, 2002, the time for filing thereto being extended for one month in accordance with the Petition for Extension submitted concurrently herewith, Applicants hereby provisionally elect the invention of Group II, claims 18-21.

It is noted that the above election is made by the Applicants while retaining their right to file a Divisional Application directed to the non-elected subject matter with the protection afforded by 35 USC § 121.

Claims 2, 6-17, 22, 24 and 25, directed to non-elected subject matter, remain in the application. It is requested that they be permitted to remain in a dormant condition pending rejoinder or the possible future filing of a Divisional application.

Applicants wish to note to the Examiner that claim 1 was cancelled in the previous response dated March 5, 2001 and replaced with new claim 25. It is therefore Applicants'

understanding that the remaining non-elected claims consist of claims 2, 6-17, 22, 24 and 25 and not claims 1, 2, 6-17, 22 and 24, as noted in the Official Action dated April 2, 2002.

Applicants also note that they will be submitting, in the very near future, a Preliminary Amendment amending the claims to make them consistent with this election. The Examiner is kindly requested to postpone the issuance of a first Official Action in this application if the Examiner has not yet received this preliminary paper.

It would be also very helpful to the Applicants if the Examiner would provide the Applicants' undersigned representative with an indication of the Examiner's deadline for issuing a first Official Action, if the preliminary paper has not been filed by the time the Examiner takes up the application for examination.

Respectfully submitted,

Herman WALDMANN et al.

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